

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

IN RE:	)	
	)	
CYNTHIA TONEY,	)	
	)	
PLAINTIFF,	)	
	)	
VS.	)	CASE NUMBER: 2:06-CV-949
	)	
MEDICAL DATA SYSTEMS, INC.,	)	
D/B/A MEDICAL REVENUE SERVICES, INC.,	)	
	)	
DEFENDANT.	)	

**ORDER ON PRETRIAL HEARING**

A pretrial hearing was held in this case on February 26, 2008. Wherein the following proceedings were held and actions taken:

1. PARTIES AND TRIAL COUNSEL:

COUNSEL APPEARING AT PRETRIAL HEARING:

David G. Poston and Walter A. Blakeney for the Plaintiff.

James C. Huckaby, Jr. and Stefanie Jackman for the Defendant.

TRIAL COUNSEL:

David G. Poston, Michael D. Brock, and Walter A. Blakeney for the Plaintiff.

James C. Huckaby, Jr. and Stefanie Jackman for the Defendant.

2. JURISDICTION AND VENUE:

Jurisdiction of this Court arises under 15 U.S.C. § 1692k and 28 U.S.C. § 1337. Venue in the United States District Court for the Middle District of Alabama is not disputed.

3. PLEADINGS: The following pleadings and amendments were allowed:

- a) Plaintiff's Complaint;
- b) Defendant's Answer;

4. CONTENTIONS OF THE PARTIES:

a) The Plaintiff's Complaint asserts that the Defendant violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* Specifically, the Plaintiff asserts violations of 15 U.S.C. §§ 1692e, e(2), e(4), e(5), e(10), & f(6). The Plaintiff seeks damages in the form of statutory damages, costs, expenses and legal fees. 15 U.S.C. §§ 1692k(2)(A) & (3).

b) The Defendant denies Plaintiff's assertion that Defendant violated any section of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* Specifically, Defendant denies any alleged violations of 15 U.S.C. §§ 1692e, e(2), e(4), e(5), e(10), & f(6). As discussed at the pretrial hearing, Defendant relies on its affirmative defense set out in ¶ 2 on page 5 of its answer. Plaintiff disputes the applicability of the affirmative defense.

5. STIPULATIONS BY AND BETWEEN THE PARTIES: None submitted.

6. Counsel will receive a trial docket approximately one month prior to the trial term.

It is ORDERED as follows:

(1) Jury selection is set at 10:00 a.m. on the 31<sup>st</sup> day of March, 2008, in Montgomery, Alabama.

(2) The trial, which is to last 2 days, is set to begin during the term of court commencing the 31<sup>st</sup> day of March, 2008, in Montgomery, Alabama.

(3) The parties are to file motions in limine (to be fully briefed), no later than three weeks prior to jury selection.

(4) The parties are to file the following no later than two weeks prior to jury selection:

a. requested voir dire questions, **Note: Voir dire questions should not duplicate questions in the jury questionnaire**, and

b. proposed jury instructions together with citations of authority in support of each proposed instruction.

(5) All understandings, agreements, and stipulations contained in this pretrial order shall be binding on all parties unless that Order be hereafter modified by order of the court.

CONSIDERED and ORDERED this 26<sup>th</sup> day of February 26, 2008.

/s/ Ira DeMent  
SENIOR UNITED STATES DISTRICT JUDGE